

Beckard



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Little People's Productivity Center, Inc.

File: B-233070.2

Date: March 10, 1989

DIGEST

Agency's exclusion of protester's proposal from the competitive range is reasonable where the record indicates that the proposal offered unqualified and inexperienced personnel and would require major revisions to become technically acceptable.

DECISION

Little People's Productivity Center, Inc. (LPPC), protests the exclusion of its proposal from the competitive range under request for proposals (RFP) No. F33657-88-R-0144, issued as a small business set-aside by the Air Force for configuration management support and related management services.

We deny the protest.

The RFP, which was issued on August 23, 1988, in conjunction with an unrestricted solicitation for similar services, was designed to consolidate various acquisition support services for the Aeronautical Systems Division at Wright-Patterson Air Force Base, Ohio. The RFP contemplated the award of an indefinite quantity time and materials contract. The RFP provided that technical/management considerations were to be given greater importance than cost/price in determining the most advantageous proposal. The RFP provided that the following specific criteria would be evaluated in the area of technical/management: (1) typical tasks; (2) configuration management; (3) data management; (4) engineering data management; (5) service reporting management; and (6) corporate management, control procedures and availability of facilities. Offerors were cautioned in the RFP that the government might make a final determination as to whether an offeror was acceptable or not solely on the basis of the technical proposal as submitted, without requesting any further information.

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Concerning cost, the solicitation included precise minimum qualifications for numerous labor categories--such as data manager, configuration manager, and service reporting manager. The offeror's fully burdened fixed hourly rates times a given labor mix, as well as certain indirect costs, basically provided the basis for cost evaluation.

The Air Force received five initial proposals. The technical evaluation team reviewed the technical proposals and concluded that three of the proposals, including LPPC's, were technically unacceptable and that the nature and extent of the proposals' deficiencies would require major revision, tantamount to submission of new proposals. Specifically, LPPC's proposal was found unacceptable for five of the six typical tasks evaluated. The evaluators determined that LPPC's responses to the tasks failed to show an understanding of and a valid technical approach to the tasks and failed to identify personnel resources or facilities. Moreover, the evaluation team principally determined that LPPC failed to meet the experience and qualifications requirements for configuration management manager (hardware), configuration management manager (software), configuration management assistant, configuration management clerk, data manager, data management clerk, engineering data manager, service reporting manager, and service reporting assistant. LPPC was advised by letter dated November 28, 1988, that its proposal was technically deficient and was excluded from the competitive range. This protest followed.

LPPC generally alleges that the Air Force did not evaluate its proposal in accordance with the factors provided in the RFP, that the deficiencies could have been cured through discussions, and that the contracting officer's decision to exclude LPPC from the competitive range was arbitrary and capricious.

The evaluation of proposals and the determination of whether an offeror is in the competitive range are matters within the discretion of the contracting agency. Vista Videocassette Services, Inc., B-230699, July 15, 1988, 88-2 CPD ¶ 55. In reviewing protests against allegedly improper evaluations, it is not the function of our Office to determine the relative merits of competing proposals, but rather to examine the record to determine whether the agency's judgment was reasonable and in accord with stated evaluation criteria. Id. Our Office will not disturb an agency's decision to exclude a firm from the competitive range where its technical proposal is reasonably considered so deficient compared to other proposals that it would require major revisions to be made acceptable. General Exhibits, Inc., B-225271, May 5, 1987, 87-1 CPD ¶ 473.

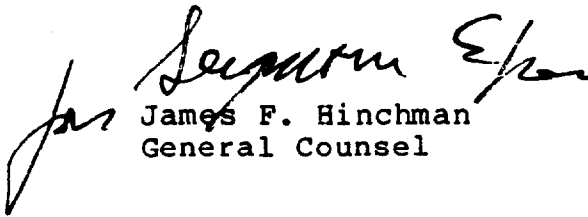
The record supports the agency's conclusion that LPPC's proposal was unacceptable. The principal reason that LPPC's proposal was determined unacceptable, which we find dispositive, was that it failed to provide adequate experienced and qualified personnel to perform the requirements. Specifically, the vast majority of the proposed personnel failed to meet the RFP's stated requirements, and for each of the management positions, none of the proposed managers met the qualification requirements. For example, candidates for the positions of configuration manager (software) and (hardware) were required to have a minimum of 7 years experience on Department of Defense (DOD) Weapons System Programs. LPPC did not submit a resume for the person it designated configuration manager (software). Similarly, LPPC did not submit a resume for its proposed configuration manager (hardware). Further, none of LPPC's proposed personnel in this area had more than 3 years experience in configuration management and two of the proposed managers had no configuration management experience.

Our review of the record shows that the agency also properly determined that LPPC lacked qualified personnel for the position of data manager. The RFP required 7 years experience in data management on DOD programs including a minimum of 3 years full-time at the data manager level. LPPC proposed three individuals for the position; one had no data management experience, another had 1 year of relevant experience, and no resume was provided for the third. The other management positions (and all but one of the management support positions) were also severely deficient because the proposed personnel lacked the requisite experience or education or because LPPC failed to submit resumes. Based on the record, we think the Air Force reasonably concluded that LPPC's proposal would require major revisions to become technically acceptable and reasonably excluded the protester from the competitive range.^{1/}

^{1/} LPPC also argues that the evaluation of personnel was, in effect, a determination of nonresponsibility which must be referred to the Small Business Administration for a certificate of competency (COC). Even if personnel qualifications were the primary reason for the LPPC's exclusion, such a traditional responsibility factor may be used to provide a comparative basis for selection of a contractor, and, under such circumstances, COC procedures are inapplicable. Arrowsmith Industries, Inc., B-233212, Feb. 8, 1989, 89-1 CPD ¶ ____.

Finally, LPPC argues that its exclusion from the competitive range was premature because the evaluation of its personnel was conducted before the Air Force received its response to a modification request seeking letters of intent from proposed personnel not currently employed by the offeror. We agree with the agency that this information would not provide any substantive changes to the initial proposal since it merely verifies potential employment of individuals previously proposed and evaluated. Thus, the modification request, and LPPC's response, would have no impact on the evaluation or on the competitive range determination.

The protest is denied.

James F. Hinchman
General Counsel